

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David C. Boyd  
J. Dennis O'Brien  
Thomas Pugh  
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SERVICE DATE: November 5, 2010

DOCKET NO. E-017,E-015,ET-6/TL-07-1327

In the Matter of the Application for a Route Permit for the Bemidji – Grand Rapids 230 kV Transmission Line Project

The above entitled matter has been considered by the Commission and the following disposition made:

**Accepted, adopted, and incorporated the findings, conclusions, and recommendations of the Administrative Law Judge, except as set forth in the attached Amended Findings of Fact, thereby:**

**Determining that the Environmental Impact Statement prepared in this case: addresses the issues and alternatives raised in scoping to a reasonable extent considering the availability of information and the time limitations for considering the permit application; provides responses to the substantive comments received during the draft environmental impact statement review process; and, was prepared in compliance with the procedures in Minn. Rules, parts 7850.1000 through 7850.5600.**

**Issuing the high voltage transmission line route permit, as attached, with appropriate conditions, to Otter Tail Power Company, Minnesota Power, Minnkota Power, Northern States Power Company, and Great River Energy.**

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary



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**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**COMMENTS AND RECOMMENDATIONS OF THE**

**OFFICE OF ENERGY SECURITY**

**ENERGY FACILITY PERMITTING STAFF**

DOCKET NO. E-017, E-015, ET-6/TL-07-1327

Meeting Date: October 28, 2010

Agenda Item # \_\_\_\_\_

Company: Otter Tail Power Company, Minnesota Power, and Minnkota Power Cooperative, Inc.

Docket No. E-017, E-015, ET-6/TL-07-1327  
**In the Matter of the Application for a Route Permit for the Bemidji – Grand Rapids 230 kV Transmission Line Project**

Issues: Should the Commission find that the Environmental Impact Statement (EIS) and the record adequately address the issues identified in the Scoping Decision?  
 Should the Commission issue a Route Permit identifying a route and permit conditions for the Bemidji – Grand Rapids 230 kV Transmission Line?

EFP Staff: Suzanne Lamb Steinhauer.....651-296-2888

**Relevant Document(s)**

Route Permit Application ..... June 4, 2008  
 Final EIS ..... September 2, 2010  
 ALJ “Findings of Fact, Conclusions and Recommendation” ..... September 20, 2010  
 Letter from Leech Lake Band of Ojibwe .....October 13, 2010

The enclosed materials are work papers of the OES EFP staff. They are intended for use by the Commission and are based on information already in the record unless otherwise noted. This document can be made available in alternative formats, i.e., large print or audio tape, by calling (651) 296-0406 (Voice) or 1-800-627-3529 (TTY relay service).

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**Attached Document(s)**

Proposed Findings of Fact, Conclusions of Law and Order  
Proposed HVTL Route Permit  
Proposed HVTL Route Permit Map Set

(Relevant documents and additional information can be found on eDockets (07-1327) or the PUC Energy Facilities website:  
<http://energyfacilities.puc.state.mn.us/Docket.html?Id=19344>)

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**Statement of the Issues**

Should the Commission find that the Environmental Impact Statement (EIS) and the record adequately address the issues identified in the Scoping Decision? Should the Commission issue a Route Permit identifying a route and permit conditions for the Bemidji – Grand Rapids 230 kV Transmission Line?

**Introduction and Background**

On June 4, 2008, Otter Tail Power Company, Minnesota Power, Minnkota Power Cooperative, Inc. (Applicants) filed a route permit application on behalf of themselves Northern States Power Company and Great River Energy for the Bemidji to Grand Rapids 230-kV Transmission Line Project (the “Project”). The Applicants filed a certificate of need application for the Project on March 17, 2008 (E017, E015, ET-6/CN-07-1222). The Project is over 200 kV and requires a Certificate of Need (CN). An Order from the Commission on July 14, 2009, granted a CN for the Project.

***Project Area***

The Project is located in portions of Beltrami, Hubbard, Cass, and Itasca counties. Communities within the Project area are Bemidji, Cass Lake, Bena, Zemple, Deer River and Cohasset; the Project crosses both private and public lands. Land cover along the Project is a mixture of deciduous and coniferous forests, wetlands, cropland and developed areas comprised of transportation, residential and commercial land uses.

A large portion of the Project, approximately 40 miles of the 70-mile Project length, is located within the boundaries of the Leech Lake Reservation. The Project also crosses the Chippewa National Forest (CNF) and portions of the Bowstring State Forest.

***Project Description***

The proposed Project consists of a 230 kV transmission line between the Wilton 230 kV Substation, located just west of Bemidji, and the Boswell 230 kV Substation in Cohasset, Minnesota. It also includes improvements to both the Wilton and Boswell

substations and expansion of the existing Cass Lake Substation to accommodate 230 kV service. More specific descriptions of the general project elements for the recommended route (also referred to as “Route 4” or “Applicants Route”) can be described as follows:

*A 230 kV high voltage transmission line:*

The HVTL proceeds roughly 70 miles west to east between Wilton and Boswell substations. Beginning at the Wilton Substation, the HVTL proceeds south from the Wilton Substation along two 69 kV transmission lines for 1.2 miles, then over land for approximately 2,000 feet, before turning southeast to follow the Great Lakes Pipeline through southern Bemidji. Aside from some slight deviations to avoid homes, the route continues eastward along the Great Lakes Pipeline until Hubbard County Highway 45. At Hubbard County Highway 45, the route jogs overland to the northeast for approximately one-half mile to parallel the Enbridge pipeline for approximately 5.9 miles to the city of Cass Lake.

From the Cass Lake Substation, the route continues east along the BNSF railway and Enbridge pipeline, deviating from the Railroad and pipeline to skirt the south side of the city of Cass Lake for approximately one mile before turning north and then east to continue paralleling the Enbridge pipelines and the BNSF railroad for approximately 26 miles to the Mississippi River near Ball Club. The route would cross the Mississippi River at a new crossing, located approximately 500 feet south of the existing Great River Energy 69 kV transmission.

After crossing the Mississippi, the route continues to parallel the pipelines and Great River Energy’s 69 kV transmission line for approximately 0.6 mile to Itasca County Road 119. At County Road 119, the route proceeds cross-country in a southeasterly direction to Itasca County Road 118. The route follows County Road 118 for approximately 1,200 feet, continuing east cross-country, then north for approximately 1,000 feet then turning northeast for another 2,150 feet before rejoining the Great Lakes pipeline. The route continues to follow the Great Lakes pipeline for approximately 10.2 miles, and then follows a Minnesota Power 115 kV transmission line for the remaining 4.5 miles to the Boswell Substation.

For the majority of the Project the Applicants propose using wood H-frame structures with heights of 70 to 90 feet and spans of 600 to 1,000 feet between structures. For portions of the Project where available right-of-way is constrained, the Applicants propose using steel single-pole self-supporting structures 80 to 100 feet tall with spans of 400 to 800 feet between structures.

The Applicants propose to acquire permanent right-of-way easements of approximately 125 feet for the majority of the route. For four short segments located in areas with other physical constraints, the Applicants propose to acquire a narrower right-of-way, estimated to be approximately 75 feet. The Applicants have requested a 1,000 foot wide route width to allow for flexibility in determining the actual right-of-way to accommodate landowner concerns; through development of the record, certain portions of the route have been narrowed to approximately 155- 715 feet. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized below. This width will provide the Applicants with the

flexibility to do minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions.

Approximately half of the route length would be constructed adjacent to the Enbridge pipeline. Enbridge recently completed temporary clearing for a pipeline project; the Enbridge clearing accounts for approximately half of the ROW required for the Project along the pipeline.

#### *Wilton Substation Modifications*

The Project's additions and modification to the existing Wilton 230 kV Substation do not require physical expansion beyond the limits of the existing fenced perimeter. The Wilton Substation is located in a rural area east of Bemidji. The Project would add two new 230 kV breakers and a line termination structure, modifications to the existing 230 kV buses, and relay panels. The Project will also entail completion of a new ring bus section, as well as five new 230 kV switches with foundations, steel structures, and control panels. All of the proposed improvements will be similar in size to existing structures; changes to height and visibility are not anticipated.

#### *Cass Lake Substation Expansion and Modifications*

The existing Cass Lake 115/69 kV Substation in Section 17 of Pike Bay Township (Township 145N, Range 31W) in Cass County, will be upgraded and expanded by approximately 320 feet to the west to provide for 230 kV capability. Otter Tail Power Company owns the approximately 2.2 acres where the expansion would take place. The new 230 kV equipment will include a 230 kV three-breaker ring bus with line switches, a new 230/115 kV transformer (~187 MVA), and a new 115 kV three-breaker ring bus to integrate the 230/115 kV transformer into existing 115 kV equipment and transmission lines at the substation. Due to the addition of new 230 kV equipment and associated protection facilities, the substation will require a new control house, relay panels, foundations, steel structures, and switches. The existing substation will remain energized during and after the expansion to serve local loads.

#### *Boswell Substation Modifications*

The Project's additions and modifications to the existing Boswell 230 kV do not require physical expansion beyond the limits of the existing fenced perimeter. The Boswell 230 kV Substation is part of the Boswell Generation Plant and is located on land owned by Minnesota Power. The land use at the substation site is industrial, in keeping with its location near the Boswell Generation Plant. The following additions and modifications are proposed: relocation of an existing 230 kV transmission line to a new terminal structure within the substation fence line, enabling the Project's HVTL to use the vacated 230 kV terminal structure in the substation; a new 230 kV circuit breaker, instrument transformers, air break switch, and associated buswork and steel structures; and new protection /control equipment for the Project's HVTL and the relocated, existing 230 kV line, with minor changes to existing substation protection/control equipment. All of the proposed improvements will be similar in size to existing structures; changes to height and visibility are not anticipated.

## **Regulatory Process and Procedures**

High voltage transmission lines with a voltage above 200 kV are required to undergo the Full Review Process under Minnesota Rule 7850.1700-2700 and Minnesota Statute 216E.04. Under the Full Review Process, an applicant is required to present a proposed and an alternative route.

The application must provide specific information about the proposed project, applicant, environmental impacts, alternatives and mitigation measures (Minn. Rule 7850.1900). The Commission may accept an application as complete, reject an application and require additional information to be submitted, or accept an application as complete upon filing of supplemental information (Minn. Rule 7850.2000). The Commission accepted the application as complete in its Order of June 30, 2008.

### ***Environmental Impact Statement***

The Full Review Process requires preparation of an Environmental Impact Statement (EIS); Under Minnesota Statute 216E.03, subd. 5, no other state environmental documents shall be required. In addition to crossing the CNF, Minnkota Power Cooperative has requested financial assistance from the United States Department of Agriculture Rural Utilities Service (RUS); both of these are considered major federal actions that may have significant impact on the environment and consequently trigger environmental review under the National Environmental Policy Act (NEPA).

Following consultation with the Applicants, EFP and RUS staff agreed to serve as co-lead agencies in preparing an EIS in compliance with both state and federal requirements. CNF, the United States Army Corps of Engineers (USACE), and the Leech Lake Division of Resource Management (LLDRM) served as cooperating agencies in preparing the EIS. The Draft EIS (DEIS) was released on February 23, 2010; EFP and RUS staff held DEIS information meetings on March 16-18, 2010, in Bemidji, Blackduck, Deer River and Cass Lake. Public Comments on the DEIS were received until April 26, 2010. The Final EIS (Minn. Rule 7850.2500) was released on September 2, 2010.

### ***EIS Scoping and Route Alternatives***

EFP and RUS staff conducted public information and scoping meetings (Minn. Rule 7850.2300) in Blackduck, Cass Lake, Deer River, Bemidji, and Walker, Minnesota on August 11-15, 2008. Written comments were accepted until September 30, 2008.

The federal agencies consider both of the routes proposed in the Route Permit Application to be within one study area. Based on scoping comments and further analysis by the cooperating agencies, the federal agencies determined that the EIS must evaluate a viable route alternative different than the two routes proposed in the Application.

Based on a review of the scoping comments, the Advisory Task Force Report, and input from EFP staff regarding the federal agency position on route alternatives, the Director of the OES issued a Scoping Decision on March 31, 2009. In that decision, three routes and a number of segment alternatives were identified for analysis in the EIS. During the development of the DEIS, several “problem areas” were identified within the routes identified in the original scope. These “problem areas” are related to engineering

constraints (particularly along US Highway 2), areas of cultural use and environmental features. The Director of the OES issued a revised Scoping Decision, incorporating nine (9) new route segments, ranging in length from 0.2 to 5.6 miles, on February 11, 2010.

### ***Contested Case Hearing***

A contested case hearing (Minn. Rule 7850.2600 and Minn. Rule 1405) was conducted by Administrative Law Judge (ALJ) Eric J. Lipman in Bemidji, Blackduck, Cass Lake and Deer River on April 21 through April 23, 2010. There were no interveners in the hearing. The public comment period for the hearing closed on May 3, 2010; the hearing record remainder open for receipt of the Final EIS. The ALJ report and recommendation was released on September 20, 2010. The ALJ recommended that the Commission issue a route permit to the Applicants along their Preferred Route, denominated as Route 4 in the EIS and hearing record.

## **OES EFP Staff Analysis and Comments**

### ***Findings of Fact, Conclusions of Law, and Order***

The attached “Findings of Fact, Conclusions of Law and Order” include the Findings of Fact from the ALJ’s September 20, 2010, “Findings of Fact, Conclusions and Recommendation” in their entirety. No one filed exceptions to the ALJ findings with the Commission. EFP staff agrees with the ALJ recommendation to issue a permit along the Applicants’ Preferred Route and recommends that the Commission accept the ALJ findings with one exception to the ALJ recommendation, several technical corrections to the findings, and three additional findings.

### ***EFP Staff Exception***

EFP staff takes exception to the ALJ recommendation 2 (c) that a new 115 kV breaker station at the Nary Junction be approved as part of the Project and recommends that the Commission order approve the 230 kV transmission line, improvements to the Wilton, Cass Lake, and Boswell substations only.

The possibility of a Nary Breaker Station was introduced in the Application as a project component and as an improvement to permit the Project to be double-circuited with an existing 115kV transmission line along Route 1A,<sup>1</sup> a routing option that would bring the Project south of Cass Lake. This routing option, characterized as Segment Alternative A, is also analyzed in the EIS as a routing option if the project is constructed along Alternative Segment A of Route 1.<sup>2</sup>

As the proposed breaker station is an improvement to the existing 115 kV system, a Route Permit from the Commission is not required for this reliability improvement.

Although the Applicants make a reasonable case in the hearing record for the addition of a Nary Breaker Station to improve reliability in the larger Bemidji area, it is not an element of Route 4, it appears to be necessary regardless of whether the Project is constructed, and its construction does not require Commission approval.<sup>3</sup> In order to acknowledge the

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<sup>1</sup> Ex. 24, at 2-4.

<sup>2</sup> Ex 35A at 53

<sup>3</sup> See Ex. 30, at 6 – 8

Applicants' case for the Nary Breaker Station, as well as certain 115 kV thermal improvements that were also addressed in the hearing record,<sup>4</sup> EFP staff proposes to amend heading F.2 in the ALJ's findings to read "Other Bemidji Area Improvements Addressed in Hearing Record" and move this heading to before ALJ finding 88 in order to address the ALJ findings on both the Nary Breaker Station and the 115 kV Thermal Improvements.

#### *EFP Staff Amended Findings*

EFP staff recommends technical corrections to findings 58, 107, 110, 112, 114, 116, , 125, 131, 133, 137, 138, 139, 141, 155, 157, 158, 160, 179, 183, 192, 194, and 199, as identified in the attachment. These changes correct typographical errors and reflect updated impact calculations presented in the Final EIS, rather than the Applicants' testimony, for the routes considered in this proceeding.

In addition, Finding 120 is amended to reflect a more robust understanding of natural resource use resulting from public comment and discourse with agencies during the development of the EIS and the mitigation required by the CNF.

#### *EFP Staff Additional Findings*

EFP staff believes that the record supports additional findings (proposed findings 218, 219, and 220) to address the identification of the federally-preferred alternative, mitigation for the loss of treaty trust resources, and acknowledge the comments of the Greater Bemidji Area Joint Planning Board.

#### ***Environmental Impact Statement***

The ALJ concluded EFP conducted an appropriate environmental analysis of the Project and that the FEIS satisfies Minnesota Rule 7850.2500.<sup>5</sup> The ALJ further concluded that "The FEIS addresses the issues and alternatives raised in scoping to a reasonable extent considering the availability of information and the time limitations for considering the permit application. Moreover, the FEIS provides responses to the substantive comments received during the DEIS review process and was prepared in compliance with the procedures in Minn. R. 7850.1000 through 7850.5600."<sup>6</sup>

#### ***Permit Conditions***

The ALJ concluded that "The Commission's final permit condition should include provisions to ensure that the Applicants employ such construction and management practices so as to avoid the displacement of homes and mitigate impacts to the natural environment."<sup>7</sup>

Because the EIS serves as the primary permitting document for several of the federal agencies involved in its preparation, mitigation measures required for various federal permits and permissions are identified in greater detail for this project than in most other transmission projects reviewed by the Commission. In light of the ALJ's conclusion, and

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<sup>4</sup> ALJ Findings

<sup>5</sup> ALJ Conclusion 3

<sup>6</sup> ALJ Conclusion 4

<sup>7</sup> ALJ Conclusion 16

after review of this record, staff is recommending a number of refinements to the route and conditions for the route permit:

#### *Leech Lake Reservation*

The Route, as well as 2 of the other 3 routes evaluated in the EIS, crosses the Leech Lake Reservation. The Applicants have designed the Route to avoid crossing on or over tribal trust land. The Leech Lake Band of Ojibwe (LLBO), however, retains sovereignty over lands within their reservation boundaries, regardless of land ownership.<sup>8</sup>

On October 13, 2010, the LLBO Tribal Council sent a letter to the Commission expressing support of Route 4, the recommended route.<sup>9</sup> The letter identified the LLBO's interest in maintaining a sustainable environment and promoting the Band's cultural and religious values within the Reservation boundaries, and the resulting concerns they had with the Project. The letter further detailed the ongoing consultations between the Applicants and the LLBO to identify suitable mitigation measures to address the Band's concerns. As a result of the consultation, the LLBO Tribal Council and the Applicants have reached an agreement that addresses the LLBO's concerns.

Minnesota Statute 216E.10, subdivision 1 establishes the route permit as the sole route approval required by the State and its political subdivisions. The Permit, at 8.8.2 requires the Permittees to obtain all required local, state, tribal, and federal permits and permissions (emphasis added) for the Project, and to comply with any conditions identified in required permits and permissions.

#### *Route Width*

The ALJ report, at finding 216, notes that the Applicants have requested a route width of 1,000 feet. As noted above, through the development of the record, certain portions of the route have been narrowed to approximately 155 -715 feet. As preliminary route design proceeds, field investigations have shown a number of constraints in the area of the Enbridge Pumping Station, shown on page 59 of the accompanying route maps. Constraints identified by Applicants' engineers include the pumping station, a wild rice farm to the south of the pumping station, and unclear land rights on a former portion of US Highway 2 which is now the frontage road south of US Highway 2. Applicants have suggested that a wider route in this area, perhaps 3,000 feet, may be necessary. EFP staff believes that the procedures outlined in Permit Condition 3.1 are sufficient to address variations outside the designated route if the alignment in the attached route maps does not prove to be workable and recommends that the Commission approve a 1,000 foot route width in this area.

#### *Right-of-Way Width*

The ALJ report, at finding 75, noted that single-pole structures may be used in areas where available right-of-way is limited by existing infrastructure or development, and referenced the locations identified by the Applicants in their Post-Hearing response brief. That Brief, at page 4, identified four areas where narrower right-of-way using single-pole structures may be appropriate. Upon further route refinement in one of these areas, an area of old growth forest and a heron rookery approximately 5 miles west of Bena, the route has been re-routed to avoid this area and would no longer require single-pole construction. As design for the

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<sup>8</sup> Ex 35A, at p. 4

<sup>9</sup> eDockets filing number [201010-55425-01](https://www.dockets.org/doc/doc.aspx?docid=201010-55425-01)

Project has proceeded, Applicants have identified an additional area in the route's final approach to the Boswell Substation where single pole structures would provide the best ability to avoid conflicts with existing transmission lines at the Boswell Substation.

Staff recommends use of single pole construction and a narrower right-of-way (estimated at 75 feet) in the following areas:

1. Cass Lake: The portion of the Route in Cass Lake along the BNSF Railroad and along MN Highway 371 (shown on Map Sheet 19);
2. Bena: The portion of the Route south of the Enbridge pipelines through Bena (shown on Map Sheet 38);
3. Deer River – Enbridge Pumping Station: The area between the Enbridge Pumping Station and US Highway 2 would require single pole structures to avoid US Highway 2 right-of-way and the Enbridge facilities (shown on Map Sheet 59).
4. The last 2,370 feet of the route into Boswell Substation would use single poles to avoid conflicts with the existing transmission lines in this area (shown on Map Sheet 66).

#### *Archaeological Resources*

Because of the federal decisions required for the Project, review of the Project and consultation with tribes and agencies under Section 106 of the National Historic Preservation Act was required. RUS, in cooperation with the LLBO, CNF, and USACE, has developed a Programmatic Agreement to address potential impacts to archaeological or cultural resources that may result from the Project.<sup>10</sup> In light of the significant consultation with potentially affected parties, and responsible agencies, the permit language for Archaeological and Historic Resources in Permit Condition 4.2.7 has been changed to defer to the Programmatic Agreement.

#### *Construction Environmental Control Plan*

Permit Condition 5.1 requires the Permittees to develop a Construction Environmental Control Plan. The purpose of this plan, commonly used in pipelines, is to aggregate all the environmental management plans and permits developed for the Project and to serve as a resource for contractors and regulatory agencies. EFP staff recommends this condition based on the record in this Project, but does not anticipate that a comprehensive environmental control plan would be necessary for all HVTL permits.

Construction and operation of the Project will result in long-term impacts to some soils, forested land, wetlands, shrub land, cropland, grassland, agricultural land and farmland.<sup>11</sup> The record has identified a number of specific mitigation measures to address adverse environmental impacts that could result from the Project.<sup>12</sup> As the Applicants proceed with route design, right-of-way acquisition, construction and eventual operation of the Project, a number of plans will need to be developed to incorporate agreed upon mitigation measures into the design, construction, and maintenance of the Project and communicate those measures to contractors and regulatory agencies.

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<sup>10</sup> ALJ Findings 147, and 148

<sup>11</sup> ALJ Finding 195

<sup>12</sup> ALJ Finding 183

The Construction Environmental Control Plan requires development of a construction progress reporting system to inform the Commission as well as appropriate state, federal, and tribal resource agencies. The Construction Environmental Control Plan also requires the Permittees to provide dedicated environmental inspectors and monitors to oversee construction and monitor compliance with the environmental plans developed for the Project.

#### *Environmental Management Plan*

The purpose of the Environmental Management Plan, Permit Condition 5.2, is to develop plans that minimize disturbance to the extent possible, and where disturbances cannot be avoided, identify mitigation measures to minimize soil erosion and sedimentation, restore land cover to disturbed areas, and restore agricultural land to productive use. The Environmental Management Plan would include elements of a soil erosion and sediment control plan and an agricultural mitigation plan. Applicants have committed to reducing the impact of their route through implementation of an Agricultural Mitigation Plan.<sup>13</sup>

#### *Vegetation Management Plan*

The route will result in the permanent clearing of approximately 575 acres of forestland, including approximately 383 acres within the CNF.<sup>14</sup> The loss of vegetative screening is anticipated to be one of the major impacts of the Project. Because of the sensitivity of the area, it is anticipated that substantial re-vegetation will be needed to restore the area, while not to its original state, to an aesthetically and functionally similar status.<sup>15</sup>

Because of the significant tree clearing required for the Project, and the desire to accomplish the tree clearing during a time when the ground is frozen in order to minimize impacts, Applicants anticipate that tree clearing would happen some months before actual construction begins. Applicants also anticipate that final design cannot be completed until trees are cleared to provide a better understanding of site conditions in areas that are currently forested. Because of the lag time between tree clearing and Project construction, EFP staff recommends that a Vegetation Management Plan, Permit Condition 5.3, be submitted prior to the Plan and Profile required in Permit Condition 4.1.

#### *Treaty Trust Resources*

The United States entered into a number of treaties with the LLBO under which the LLBO retained rights to many of the resources on the Leech Lake Reservation. All Federal agencies have trust obligations to assure that the Project does not infringe or negate the LLBO's ability to exercise these retained treaty rights.<sup>16</sup> Permit condition 5.4 requires the Permittees to advise the Commission upon completion of the cultural resource and environmental justice mitigation measures identified in the CNF's Record of Decision.

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<sup>13</sup> ALJ Finding 136

<sup>14</sup> Revised Finding 137

<sup>15</sup> ALJ Finding 148, See Exhibit 35A, Table ES-3 at ES-24 to ES-30

<sup>16</sup> Ex 35A (FEIS) at pp. ES-3 – ES-4, and p. 4

### *Avian Mitigation Plan*

In light of the concerns to avian species raised with this Project, the Applicants have developed a Draft Avian Mitigation Plan<sup>17</sup> to identify potential risks to avian species from the Project and to identify strategies that will be implemented to avoid or minimize impacts to birds or their habitats. Permit Condition 5.5 requires the Permittees to finalize this mitigation plan and to provide this information as a compliance filing.

### *Carr Lake Area*

The Applicants have identified an eagle nest in the area of Carr Lake (Maps Sheet 6) that would need to be avoided. It is possible that the route could be double-circuited with the existing 115 kV line in this area in a manner that avoids the eagle nest and minimizes impacts to landowners in this area. Permit Condition 5.6.1 requires the Permittees to work with landowners in this area to develop the most appropriate routing and report to the Commission on the actions taken in this area at the time that the Plan and Profile are filed.

### ***Other Comments***

A number of the comments identified the particular routing preferences of individuals. Those comments can be found in the ALJ report at findings 8-60, and are not addressed in these comments.

The Project Area contains a number of linear features, Great Lakes' natural gas pipeline, several Enbridge pipelines (including the recently permitted Alberta Clipper and Southern Lights projects), US Highway 2, the BNSF railroad, and several transmission lines. Several members of the public commented on the number of existing easements located on some parcels, and what they believe to be an excessive burden on landowners who will bear multiple easements.<sup>18</sup> Although the existing easements do present an opportunity to consolidate environmental impacts, and indeed were presented by the RUS as a rationale for selecting Route 4 (the Applicants' preferred route), it is true that due to its routing along previously disturbed areas, the Route will impose additional burdens on landowners. Permit Condition 4.2.6 requires the Permittees to work with landowners to identify and address landowner issues related to the line, such as distance from structures, tree clearing, and other aesthetic concerns. Additionally, Minnesota Statute 216E.12, subdivision 4, often referred to as the "buy the farm" provision, provides landowners with the option of requesting that the Permittee purchase the entire parcel, rather than an easement required for the HVTL. The Applicants have agreed to provide written disclosures of these protections.<sup>19</sup> EFP staff, in consultation with Commission staff, is in the final stages of drafting a *Landowner Guide to Easement* publication; Permit Condition 4.5 would require the Permittees to provide all affected landowners with a copy of this guide at the time of first contact with the landowners.

As the route parallels existing pipelines for a significant portion of the length, approximately 54 of 70 miles, some members of the public<sup>20</sup> have identified safety concerns with locating transmission lines in close proximity to either oil or natural gas pipelines. This issue is addressed in some detail in the FEIS and in the hearing record. The ALJ found that the

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<sup>17</sup> Ex 35A, Appendix I

<sup>18</sup> ALJ Findings 22, 23, 29, 30, 44, 46 and 56

<sup>19</sup> ALJ Finding 80

<sup>20</sup> ALJ Findings 53 and 56

Applicants have established the safety of locating HVTLs adjacent to pipeline rights-of-way.<sup>21</sup>

In its comments, DNR<sup>22</sup> requested that the Project avoid the Bemidji Slough Wildlife Management Area (WMA). As shown on the attached map (Sheet 7), the Applicants propose to re-align the route to the north and the east of the WMA. In order to accomplish this, the route would extend slightly beyond the area designated in the Route Permit Application, as shown in the shaded triangular area on the northeast corner of the WMA. These landowners were notified in the original project notice.<sup>23</sup>

EFPP staff believes that, on balance, Route 4, with the permit conditions and agreed-upon mitigations, provides the best routing alternative through a challenging area and agrees with the ALJ recommendation<sup>24</sup> in this case that the Commission should:

1. Issue a Route Permit along the Applicants' Preferred Route as described in the Route Application, excepting the ALJ's recommendation of the Nary Breaker Station in favor of the discussion above;
2. Authorize modifications to the Wilton, Cass Lake, and Boswell substations.<sup>25</sup>

#### **PUC Decision Options:**

- A. Approve and adopt the attached Findings of Fact, Conclusions of Law, and Order for the Bemidji – Grand Rapids 230 kV Transmission Line Project, thereby:
  1. Determining the Environmental Impact Statement and record created at the public hearing address the issues identified in the EIS Scoping Decisions; and
  2. Issuing the high voltage transmission line Route Permit as attached, with appropriate conditions, to Otter Tail Power Company, Minnesota Power, and Minnkota Power Cooperative, Inc., Northern States Power Company, and Great River Energy.
- B. Approve and adopt the Findings of Fact, Conclusions of Law, and Order as above while imposing any further permit conditions as deemed appropriate.
- C. Amend the Findings of Fact, Conclusions of Law, and Order and Route Permit as deemed appropriate.
- D. Make some other decision deemed more appropriate.

#### **EFPP Energy Facility Permitting Recommendation: Option A.**

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<sup>21</sup> ALJ Finding 128

<sup>22</sup> eDocket filing number [20104-49543-03](#)

<sup>23</sup> Ex 7 and 8, eDocket filing numbers [5677878](#) and [5682528](#)

<sup>24</sup> ALJ Recommendation 2

<sup>25</sup> ALJ Conclusion 12

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

AMENDED FINDINGS OF FACT

**In the Matter of the Route Permit Application by Otter Tail Power Company, Minnesota Power, and Minnkota Power Cooperative, Inc., for a 230 kV Transmission Line from Bemidji to Grand Rapids, Minnesota; Docket No. E-017, E-O15, ET-6/TL-07-1327**

This matter came before the Commission on October 28, 2010, acting on an application by Otter Tail Power Company, Minnesota Power, and Minnkota Power Cooperative for a route permit to construct a new 70-mile transmission line and associated facilities in Beltrami, Hubbard, Cass and Itasca counties. On that date, the record closed under Minn. Stat. § 14.61, subd. 2.

The Commission adopts the September 20, 2010, Administrative Law Judge's Findings of Fact, Conclusions and Recommendations for the Bemidji – Grand Rapids 230 kV Transmission Line Project related to Commission Docket E017, EO15, ET-6/TL-07-1327, with the following modifications:

Recommendation 2 is amended as follows to remove a new 115 kV breaker station at Nary Junction from the Project Description:

2. Grant a Route Permit to Applicants on behalf of themselves, Northern States Power Company, ~~and Xcel Energy~~ and Great River Energy for:
  - (a) The Applicants Preferred Route (also denominated as "Route 4"):
  - (b) Modifications and additions to three existing substations (Wilton Substation, Cass Lake Substation, and Boswell Substation ) to accommodate the new transmission line facilities;~~;~~  
~~and~~
  - ~~(c) A new 115 kV breaker station at Nary Junction.~~

Finding 58 is amended as follows to correct the spelling of Elizabeth Sherman:

58. Barry Babcock, of Laporte, Minnesota, spoke first on behalf of Elizabeth ~~Schurman~~ Sherman, a member of the Leech Lake Band. Ms. ~~Schurman~~ Sherman was concerned about the impacts to human health from the project. As a member of the Leech Lake Ban, Ms. Schurman Sherman was also concerned with the impacts to animal habitat, particularly of the habitat of eagles. Ms. ~~Schurman~~ Sherman also expressed concerns about eminent domain and tribal sovereignty. On his own behalf, Mr. Babcock urged conservation as an alternative to development of new transmission lines and generation plants. Mr. Babcock also expressed concern as to the environmental and health impacts of the Project.

Finding 74 is amended as follows to clarify that EFP staff complied with notice required under Minnesota Rule 7850.2500, subpart 9. A footnote is added to note the location of these compliance filings:

74. On September 2, 2010, OES Issued its Notice of Availability of Final Environmental Impact Statement.<sup>1</sup> On September 3, 2010, the Department of Commerce issued a press release announcing the availability of the Final EIS; availability of the Final EIS was also announced in the September 6, 2010, edition of the *EOB Monitor*.<sup>2</sup>

Subheading F.2 is amended and moved above ALJ Finding 88 to describe other transmission improvements addressed in the Hearing Record, but not part of the Commission’s Order:

F.2. 115 kV Line Thermal Improvements Other Bemidji Area Transmission Improvements Addressed in Hearing Record

Finding 107 is amended as follows:

107. The Power Plant Siting Act requires that route permit determinations... “

Finding 110 is amended as follows to clarify the distance of residences from an evaluated right-of-way:

110. The following summarizes the route alternatives potential to displace residents:  
**Comparison of Route Alternatives’ Potential to Displace Residences**

	Route 1	Route 2	Route 3	Route 4
Residences within <u>proposed 125 feet of the right-of-way</u>	3	15	25	0
Residences within the 1,000 foot route, <u>outside proposed right-of-way</u>	109	281	459	<del>406</del> <u>118</u>

Finding 112 is amended as follows to incorporate the Applicants’ pledge to avoid the potential displacement of homes:

112. Additionally, the Applicants pledge to further mitigate potential displacement by altering the alignment of the Project so as to avoid ~~those~~ placing-homes ~~that lie~~ in the right-of-way.

The table in Finding 114 is amended as follows to correct the estimated loss of trees:

**Comparison of Route Alternatives’ Impact on Forested Land (acres)**

Forested Land	Route 1	Route 2	Route 3	Route 4
Total	<del>579</del> <u>580</u>	<del>439</del> <u>432</u>	<del>823</del> <u>812</u>	<del>581</del> <u>575</u>
Within CNF	<del>294</del> <u>389</u>	<del>202</del> <u>275</u>	<del>324</del> <u>581</u>	<del>249</del> <u>383</u>

<sup>1</sup> See Ex 35A (E-Docket No. 20101-54088-01) (The undersigned denominated the FEIS as late-filed exhibits 35A through 35D).

<sup>2</sup> E-Docket No. 201010-55603-02

Finding 116 is amended as follows to reflect the similarity between Routes 1 and 4 in the amount of tree loss in the CNF:

116. The total loss of trees associated with Route 4 is comparable to Route 1 ~~and results in significantly less tree loss within the CNF when compared to Route 1.~~

Finding 120 is amended to reflect a more robust understanding of natural resource use resulting from public comment and discourse with agencies during the development of the EIS and the mitigation required by the CNF:

120. The Project would impact food resources used by those conducting subsistence hunting, fishing, and gathering activities. While access and use of traditional hunting and gathering areas would not be restricted on a long-term basis, some temporary and long-term impact to the uses of those areas would result. During construction, vegetation within the right-of-way would be removed, and some animal species would also be affected. Once in operation, the primary impact to subsistence resources would be the long-term conversion of forested areas to managed shrubland or grassland within the Project right-of-way. Long-term adverse impacts on natural resource use, such as wild rice harvesting or berry picking, are likewise not expected. The opportunities for berry picking would likely increase due to conversion of forest lands to grasslands and shrub lands within the transmission line right-of-way, and the Project would span rivers and deep-water wetlands so as to avoid existing wild rice resources. The Project would permanently convert approximately 575 acres of forested land. To the extent that these forested areas are used to conduct traditional ceremonies or hunting/gathering activities, the experience of conducting these activities would be altered and the potential harvest levels could also be altered as a result of shifting or lost species.<sup>3</sup>

Finding 125 is amended as follows to clarify that the primary effect on recreation and tourism would be aesthetic, and by locating the Project primarily in areas that already have visual intrusions, impacts would be minimized:

125. The primary impact to recreation and tourism from the Project would be from aesthetic changes in the landscape. ~~Among the route alternatives, because~~ By locating Route 4 is primarily located along existing transmission lines, pipeline rights-of-way and U.S. 2, it would have the least impacts upon recreation and tourism.<sup>4</sup>

Finding 131 is amended as follows to clarify the extent of the St. Regis Superfund Site. The source in the footnote is also changed accordingly.

131. Routes 1; ~~and 3, and 4~~ avoid the St. Regis Superfund Site in Cass Lake. Route 2 traverses this site. While Route 4 largely avoids the Superfund Site it may cross the southern, eastern, and western administrative boundaries of the site.<sup>5</sup>

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<sup>3</sup> Ex. 35A at 362, 371

<sup>4</sup> Ex. 24 (Route Permit Application at 8.22-3; see also Ex. 35-A at ~~391-93~~401-402

<sup>5</sup> Ex 35A at 33, 37, 533

The table in Finding 133 is amended as follows to reflect the probable effects of the Project on agricultural uses in the right-of-way rather than the acreage contained in the wider route. The source in the footnote is also changed accordingly:

133. The following table shows the impacts of the route alternatives on agriculture:

**Comparison of Route Alternatives on Agricultural Land (acres)**

	Route 1	Route 2	Route 3	Route 4
	210	117	503	191
<u>Long-term impacts to Agricultural Uses</u>	<u>0.7</u>	<u>0.3</u>	<u>2.0</u>	<u>0.6</u>
<u>Temporary impacts to agricultural and farmland uses</u>	<u>52</u>	<u>31</u>	<u>119</u>	<u>47</u>

The table in Finding 137 is amended as follows to more accurately reflect the potential impacts to forested lands. The source in the footnote is also changed accordingly.

137. The record shows the following impacts on forested land:<sup>6</sup>

**Comparison of Route Alternatives on Forested Land (acres)**

	Route 1	Route 2	Route 3	Route 4
Total	579 580	439 432	823 812	581 575
Within CNF	294 389	202 275	324 581	249 393

Findings 138 and 139 are amended as follows to correct the relationship of the various routes to the Ten Section area of the CNF. The source of the footnotes is also amended accordingly:

138. Route 2 1 traverses the Ten Section area of the CNF; an area that is of cultural and biological importance to the LLBO. Routes 2 and 4 do not traverse the southern (and most highly-valued) portion of the Ten Section area of the CNF.<sup>7</sup>

Finding 139 is amended as follows to consolidate the discussion of the routes on the Ten Section area and to identify the impact of Route 1 on the Pike Bay Experimental Forest:

139. ~~Route 4 does not traverse the southern (and most highly valued) portion of the Ten Section area of the CNF.~~ Route 1 would convert approximately 32 acres of the Pike Bay Experimental Forest, resulting in a loss of opportunity for silvicultural research. Routes 2, 3, and 4 avoid the Pike Bay Experimental Forest.<sup>8</sup>

<sup>6</sup> Ex 35A at 425

<sup>7</sup> Ex. 35A. at 433

<sup>8</sup> Ex. 35A. at 432

Finding 141 is amended as follows to reflect a comparison of the routes with respect to forested land:

141. Route 2 would result in the least loss of forested land, while Routes 1 and 4 ~~traverses two more acres of forested land than Route 1, but 45 fewer acres within the CNF would~~ result in a comparable loss of forested land, approximately 150 acres more than Route 2, and 220 acres less than Route 3.<sup>9</sup>

The table in Finding 155 is amended as follows to more accurately reflect the potential impacts to wetlands. The source in the footnote is also changed accordingly.

155. The wetland impacts of the route alternatives are summarized in the table below:<sup>10</sup>

**Comparison of Route Alternatives’ Impacts on Wetlands (acres)**

	Route 1	Route 2	Route 3	Route 4
Total <u>NWI</u> Wetland (within right-of-way)	292	225	<del>420</del> 370	317
<del>Forested</del> Total Wetland Type Conversion	209	166	<del>110</del> 269	<del>97</del> 226
Forested Wetland Type Conversion	80	52	118	92

Finding 157 is amended as follows to compare potential wetland impacts by route:

157. Among the four alternatives, Route 2 has the least potential and Route 3 has the greatest potential for impact upon wetlands.<sup>11</sup>

Finding 158 is amended as follows to more accurately portray Route 4 in relation to the route with the least impact to wetlands.

158. Route 4 traverses 92 more acres of wetlands than Route 2, ~~but 69 fewer acres of forested wetlands. Among the four alternatives, Route 4 has the fewest impacts upon forest wetlands.~~ Route 4 would potentially result in the conversion of 60 more acres of total wetlands and 40 more acres of forested wetlands than Route 2.

Finding 160 is amended as follows to clarify that additional mitigation measures will be identified in additional wetland permits required for the Project:.

160. Applicants have identified specific best management practices that they will use to minimize any impacts to wetlands. Additional wetland mitigation measures, including wetland replacement as necessary, will be identified in wetland permits for the Project that will be required by the US Army Corps of Engineers, the Minnesota Pollution Control Agency, and the Minnesota Department of Natural Resources.<sup>12</sup>

<sup>9</sup> Ex. 35A at 425

<sup>10</sup> Ex. 35A at 161

<sup>11</sup> Ex. 35A at 161

<sup>12</sup> Ex. 24 (Route Application), at 4-5 to 4-8 Ex 35A at 173-176

Finding 179 is amended as follows to reflect the determination of the Leech Lake Division of Resource Management and Minnesota Department of Natural Resources concern that the use of Route 1 would jeopardize the only known one-flowered broomrape population in Northern Minnesota:

179. The Minnesota Department of Natural Resources, the Chippewa National Forest, and the Leech Lake Division of Resource Management have ~~preliminarily concluded~~ determined that the disruptions to habitat associated with Project construction would have a short-term impact and would not likely affect mammal populations. The Minnesota Department of Natural Resources and the Leech Lake Division of Resource Management have determined that the use of Route 1 would jeopardize the only known one-flowered broomrape population in northern Minnesota.<sup>13</sup>

Finding 183 has been amended to clarify the origin of additional mitigation measures identified in the EIS:

183. As detailed above, Applicants and agencies have also identified the specific mitigation procedures that will be taken to address the various adverse environmental impact that could result from the Project.<sup>14</sup>

Finding 192 is amended as follows to correct the cost estimates for the route alternatives:

192. The estimated cost of constructing the Project in Route 4, Route 1, or Route 2 – each of which is approximately 68 to 70 miles long -- is between ~~\$65.4~~ 60.5 and ~~\$66.2~~ 65.4 million.<sup>15</sup>

**Cost Comparison of Locating Project in Route Alternatives (\$ millions)**

<b>Project Component</b>	<b>Route 1</b>	<b>Route 2</b>	<b>Route 3</b>	<b>Route 4</b>
230 kV Line (including adders for woodland/wetland construction)	\$54.5	\$ 52.8	\$ 91.6	\$55.8
Boswell Substation <del>Expansion</del> <u>Modifications</u>	\$ 1.0	\$ 1.0	\$ 1.0	\$ 1.0
Wilton Substation <del>Expansion</del> <u>Modifications</u>	\$ 1.5	\$ 1.5	\$ 1.5	\$ 1.5
Cass Lake Substation Expansion	N/A	\$5.2	N/A	\$ 5.2
New Cass Lake Substation	5.7	N/A	N/A	N/A
Nary Breaker Station	2.7	<del>\$ 2.7</del> <u>N/A</u>	<del>\$ 2.7</del> <u>N/A</u>	<del>\$ 2.7</del> <u>N/A</u>
Total for 230 kV Line and	\$ 65.4	<del>\$ 65.7</del> <u>\$ 60.5</u>	<del>\$ 98.6</del> <u>\$ 94.1</u>	<del>\$66.2</del> <u>\$63.5</u>

<sup>13</sup> Ex 35A at 262

<sup>14</sup> Id. at § 8 mitigation recommendations in subsections 8.1 to 8.26; see also Ex. 35A (FEIS), Table ES-3 at ES-24 to ES-30.

<sup>15</sup> ~~Ex. 29, (Lindholm Direct) at Schedule 2~~ Ex 35A, Final EIS, at 26.

Associated Facilities				
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Finding 194 is amended as follows to correct the relationship between the cost of the route alternatives:

194. At an estimated cost of \$~~114~~ 94.1 million, the cost to construct the Project along Route 3 is approximately 44 to 55 percent more than the cost of locating the Project along the shorter routes.

Finding 199 is amended as follows:

199. The principal impacts of the Project is will be the low-to-moderate visual impact of a high-voltage transmission line and the loss of treaty trust resources. ~~This~~ The visual impact would be experienced by the people who live and work in the areas adjacent to the line, people who use the areas around the Project for traditional activities, as well as those who come to these communities for recreation and tourism. The loss of treaty rights would be experienced by members of the Leech Lake Band of Ojibwe.

Supplemental Findings:

218. The Applicants pledge to assist the CNF with mitigation for the loss of treaty trust resources on CNF lands. The mitigation measures will be developed in consultation with CNF and DRM staff and were included in the Record of Decision for the Project issued by CNF.

219. The RUS has identified Route Alternative 4 as the federally preferred alternative and found that Route Alternative 4 best responds to comments, issues, and concerns from the public and agencies, while minimizing impacts to resources to the extent practicable.<sup>16</sup>

220. Mel Milender, Planning Administrator for the Greater Bemidji Area Joint Planning Board, expressed the Board's support for the Project as well as a preference for Routes 1 or 2 in the Bemidji area to minimize impacts to high density residential areas within its jurisdiction.<sup>17</sup>

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<sup>16</sup> Ex 35A at 583-584

<sup>17</sup> eDockets Filing [20104-49543-07](https://www.secdockets.com/cases/20104-49543-07)

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**ROUTE PERMIT FOR CONSTRUCTION OF A HIGH  
VOLTAGE TRANSMISSION LINE AND SUBSTATION**

**IN BELTRAMI, HUBBARD, CASS, and ITASCA COUNTIES**

**ISSUED TO  
OTTER TAIL POWER COMPANY, MINNESOTA POWER,  
MINNKOTA POWER COOPERATIVE, INC., NORTHERN  
STATES POWER COMPANY, A MINNESOTA CORPORATION,  
AND GREAT RIVER ENERGY**

**PUC DOCKET No. E017, E015, ET6/TL-07-1327**

In accordance with the requirements of Minnesota Statutes Chapter 216E.03 and Minnesota Rules Chapter 7850, this route permit is hereby issued to:

**OTTER TAIL POWER COMPANY, MINNESOTA POWER AND MINNKOTA POWER  
COOPERATIVE, INC., NORTHERN STATES POWER COMPANY, A MINNESOTA  
CORPORATION, AND GREAT RIVER ENERGY**

Otter Tail Power Company, Minnesota Power, Minnkota Power Cooperative, Inc., on behalf of themselves and Northern States Power Company, a Minnesota corporation, and Great River Energy (Permittees) are authorized by this route permit to construct approximately 70 miles of new 230 kilovolt (kV) high voltage transmission lines (HVTL) between the Wilton Substation in Beltrami County and the Boswell Substation in Itasca County (the Project). The HVTL and associated facilities will be located in Beltrami, Hubbard, Cass and Itasca counties.

The Project shall be built within the route identified in this permit and as portrayed on the attached official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this 5th day of November, 2010

BY ORDER OF THE COMMISSION

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Burl W. Haar,  
Executive Secretary

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## **1 ROUTE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Otter Tail Power Company, Minnesota Power, Minnkota Power Cooperative, Inc., Northern States Power Company, a Minnesota corporation, and Great River Energy (Permittees) pursuant to Minnesota Statutes Chapter 216E.03 and Minnesota Rules Chapter 7850. This permit authorizes the Permittees to build approximately 70 miles of 230 kV transmission line, and modify the Wilton, Cass Lake, and Boswell substations to accommodate the HVTL.

## **2 PROJECT DESCRIPTION**

Permittees are authorized to construct a project comprising a 230 kV HVTL, and improvements at Wilton, Cass Lake, and Boswell substations as described in the Application, Environmental Impact Statement, and detailed below:

### **2.1 A 230 kV high voltage transmission line**

The HVTL proceeds roughly west to east between Wilton and Boswell substations. Beginning at the Wilton Substation, the route proceeds south from the Wilton Substation along two 69 kV transmission lines for 1.2 miles, then over land for approximately 2,000 feet, before turning southeast to follow the Great Lakes Pipeline through southern Bemidji. Aside from some slight deviations to avoid homes, the route continues eastward along the Great Lakes Pipeline until Hubbard County Highway 45. At Hubbard County Highway 45, the route jogs overland to the northeast for approximately one-half mile to parallel the Enbridge pipeline for approximately 5.9 miles to the Cass Lake Substation in the City of Cass Lake.

From the Cass Lake Substation, the route continues east along the BNSF railway and Enbridge pipeline, but deviates from the Railroad and pipeline to skirt the south side of the city of Cass Lake for approximately one mile before turning north and then east to generally parallel the Enbridge pipelines and the BNSF railroad for approximately 26 miles to the Mississippi River near Ball Club. The Project crosses the Mississippi River at a new crossing, located approximately 500 feet south of the existing Great River Energy 69 kV transmission line.

After crossing the Mississippi, the route continues to parallel the pipelines and 69 kV transmission line for approximately 0.6 mile to Itasca County Road 119. At County Road 119, the route heads cross-country in a southeasterly direction to Itasca County Road 118. The route follows County Road 118 for approximately 1,200 feet, continuing east cross country, then north for approximately 1,000 feet before turning northeast for another 2,150 feet before rejoining the Great Lakes pipeline. The route continues to follow the Great Lakes pipeline for approximately 10.2 miles. The route then follows a Minnesota Power 115 kV transmission line for the remaining 4.5 miles to the Boswell Substation.

## **2.2 Wilton Substation Modifications**

The Project's additions and modification to the existing Wilton 230 kV Substation do not require physical expansion beyond the limits of the existing fenced perimeter. The Project would add two new 230 kV breakers and a line termination structure, modifications to the existing 230 kV buses, and relay panels. The Project will also entail completion of a new ring bus section, as well as five new 230 kV switches with foundations, steel structures, and control panels. All of the proposed improvements will be similar in size to existing structures; changes to height and visibility are not anticipated.

## **2.3 Cass Lake Substation Expansion and Modifications**

The existing Cass Lake 115/69 kV Substation in Section 17 of Pike Bay Township (Township 145N, Range 31W) in Cass County will be upgraded and expanded by approximately 320 feet to the west to provide for 230 kV capability. Otter Tail Power Company owns the approximately 2.2 acres where the expansion would take place. The new 230 kV equipment will include a 230 kV three-breaker ring bus with line switches, a new 230/115 kV transformer (~187 MVA), and a new 115 kV three-breaker ring bus to integrate the 230/115 kV transformer into existing 115 kV equipment and transmission lines at the substation. Due to the addition of new 230 kV equipment and associated protection facilities, the substation will require a new control house, relay panels, foundations, steel structures, and switches. The existing substation will remain energized during and after the expansion to serve local loads.

## **2.4 Boswell Substation Modifications**

The Project's additions and modifications to the existing Boswell 230 kV do not require physical expansion beyond the limits of the existing fenced perimeter. The following additions and modifications are proposed: relocation of an existing 230 kV transmission line to a new terminal structure within the substation fence line, enabling the Project's HVTL to use the vacated 230 kV terminal structure in the substation; a new 230 kV circuit breaker, instrument transformers, air break switch, and associated buswork and steel structures; and new protection /control equipment for the Project's HVTL and the relocated, existing 230 kV line, with minor changes to existing substation protection/control equipment. All of the proposed improvements will be similar in size to existing structures; changes to height and visibility are not anticipated.

## **3 DESIGNATED ROUTE**

The approved route is shown on the aerial photos attached to this permit and further designated as follows:

### **3.1 Route Width and Alignment**

The width of the designated route ranges from approximately 155 to 1,000 feet and is indicated on the attached aerial photos. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized below. This width will provide the Permittee with flexibility for minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions.

The designated route identifies an anticipated alignment, also shown on the attached aerial photos, that minimizes the overall potential impacts relating to the factors identified in Minn. Rule 7850.4100 and was evaluated in the environmental review and permitting processes. Consequently, this permit anticipates that the actual right-of-way will generally conform to this alignment unless changes are requested by individual landowners, unforeseen conditions are encountered, or are otherwise provided for by this permit. Any alignment modifications within this designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. Rule 7850.4100 as does the alignment identified in this permit, and shall be specifically identified in and approved as part of the Plan and Profile submitted pursuant to Part 4.1 of this permit.

Route width variations outside the designated route may be allowed for the Permittee to overcome potential site specific constraints. These constraints may arise from any of the following:

1. Unforeseen circumstances encountered during the detailed engineering and design process.
2. Federal or state agency requirements.
3. Existing infrastructure within the transmission line route, including but not limited to roadways, railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.
4. Planned infrastructure improvements identified by state agencies and LGUs and made part of the evidentiary record during the contested case proceeding for this permit.

Any alignment modifications arising from these site specific constraints that would result in right-of-way placement outside the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. Rule 7850.4100 as does the alignment identified in this permit and shall also be specifically identified in and approved as part of the Plan and Profile submitted pursuant to Part 4.1 of this permit.

### **3.2 Right-of-Way Placement**

Where the transmission line route parallels existing highway rights-of-way, the transmission line right-of-way shall occupy and utilize the existing highway right-of-way to the maximum extent possible, consistent with the criteria in Minn. Rule 7850.4100, the other requirements of this permit and, for highways under the jurisdiction of the Minnesota Department of Transportation (Mn/DOT), Mn/DOT rules, policies, and procedures for accommodating utilities in trunk highway rights-of-way.

### **3.3 Right-of-Way Width**

The 230 kV transmission line will be built primarily with two-pole H-frame structures, which will typically require a 125 feet right-of-way. Typically, H-frame structures will range in height from 60 to 90 feet and will be placed between 600 to 1,000 feet apart.

The Project shall use single pole, self-supporting structures, with a narrower right-of-way in the following areas:

1. Cass Lake: The portion of the Route in Cass Lake along the BNSF Railroad and along MN Highway 371 (shown on Map Sheet 19);
2. Bena: The portion of the Route south of the Enbridge pipelines through Bena (shown on Map Sheet 38);
3. Deer River – Enbridge Pumping Station: The area between the Enbridge Pumping Station and US Highway 2 would require single pole structures to avoid US Highway 2 right-of-way and the Enbridge facilities (shown on Map Sheet 59):.
4. Boswell Substation: The last 2,370 feet of the route into the Boswell Substation (Map Sheet 66).

The right-of-way width in these three areas will be determined during final design, but is anticipated to be approximately 75 feet.

Permittees shall locate the poles as close to property division lines as reasonably possible along the entire route.

## **4 PERMIT CONDITIONS**

The Permittees shall comply with the following conditions during construction of the transmission line and associated facilities and the life of this permit.

### **4.1 Plan and Profile**

At least 30 calendar days before construction begins, the Permittees shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for construction, cleanup, and restoration for the transmission line.

Permittees shall submit a Vegetation Management Plan, as described in Section 5.3, at least 30 days prior to right-of-way preparation.

The Permittees may not commence construction until the 30 days has expired or until the Commission has advised the Permittees in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittees intend to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittees shall

notify the Commission at least five working days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

## **4.2 Construction Practices**

The Permittees shall follow those specific construction practices and material specifications described in the Otter Tail Power Company, Minnesota Power, and Minnkota Power Cooperative Application to the Public Utilities Commission for a Route Permit, dated June 4, 2008 (Route Permit Application), and as described in the Environmental Impact Statement and ALJ Findings of Fact, Conclusions of Law and Recommendations for the Project, unless this permit establishes a different requirement, in which case this permit shall prevail.

### **4.2.1 Field Representative**

At least 10 days prior to commencing construction, the Permittees shall advise the Commission in writing of the person or persons designated to be the field representative for the Permittees with the responsibility to oversee compliance with the conditions of this permit during construction. The field representative's address, phone number, and emergency phone number shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons. The Permittees may change the field representative at any time upon written notice to the Commission.

### **4.2.2 Local Governments**

During construction the Permittees shall minimize any disruption to public services or public utilities. To the extent disruptions to public services occur, these would be temporary and the Permittees will work to restore service promptly. Where any impacts to utilities have the potential to occur, Permittees will work with both landowners and local agencies to determine the most appropriate pole placement.

The Permittees shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

### **4.2.3 Cleanup**

All waste and scrap that is the product of construction shall be removed from the area and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

### **4.2.4 Noise**

Construction and routine maintenance activities will be limited to daytime working hours, as defined in Minnesota Rule 7030.0200, to ensure nighttime noise level standards will not be exceeded.

#### **4.2.5 Vegetation Removal in the Right-of-Way**

The Permittees shall minimize the number of trees to be removed in selecting the right-of-way. As part of construction, low growing brush or tree species are allowable within and at the outer limits of the easement area. Taller tree species that endanger the safe and reliable operation of the transmission facility need to be removed. To the extent practical, low growing vegetation that will not pose a threat to the operation and maintenance of the transmission facility or impede construction should remain in the easement area.

#### **4.2.6 Aesthetics**

The Permittees will consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. Care will be used to preserve the natural landscape and prevent any unnecessary destruction of the natural surroundings in the vicinity of the project during construction and maintenance.

Structures will be placed at the maximum feasible distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highway, or trail crossings, and could cross roads to minimize or avoid impacts. The Permittees shall work with landowners to identify and address issues related to the transmission line such as distance from existing structures, tree clearing and other aesthetic concerns.

#### **4.2.7 Archaeological and Historic Resources**

The Permittees shall make every effort to avoid impacts to identified archaeological and historic resources when installing the high voltage transmission line on the approved route. Permittees shall comply with the stipulations identified in the Programmatic Agreement developed for this Project.

#### **4.2.8 Erosion Control**

The Permittees shall implement reasonable measures to minimize runoff during construction and shall promptly plant or seed, erect silt fences, erosion control blankets or other best management practices suitable to site conditions in non-agricultural areas that were disturbed where structures are installed. Contours will be graded as required so that all surfaces drain naturally, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation, provide for proper drainage, and prevent erosion. All areas disturbed during construction of the facilities will be returned to their pre-construction condition.

The Project will be regulated by a National Pollution Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan prepared (SWPPP).

Permittees shall identify erosion control measures in the Environmental Management Plan developed for this Project, at Condition 5.2.

#### **4.2.9 Wetlands and Water Resources**

Structures shall be located to span watercourses, wetlands, and floodplains to the extent practicable. Minimal grading of areas around pole locations may be required to accommodate construction vehicles and equipment. The Permittees will use wooden mats or the DURA-BASE<sup>®</sup> composite mat system or construction during frozen conditions to minimize disturbance and compaction of wetlands and riparian areas during construction. Soil excavated from the wetlands and riparian areas will be contained and not placed back into the wetland or riparian area. Silt fencing or other erosion control measures will be used to prevent sedimentation when working near wetlands and watercourses. Areas disturbed by construction activities will be restored to pre-construction conditions (soil horizons, contours, vegetation, etc.).

#### **4.2.10 Temporary Work Space**

The Permittees shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way.

Temporary lay down areas outside of the authorized transmission line right-of-way will be obtained from affected landowners through rental agreements and are not provided for in this permit.

Temporary driveways may be constructed between the roadway and the structures to minimize impact by using the shortest route possible. Construction mats may also be used to minimize impacts on access paths and construction areas.

#### **4.2.11 Restoration**

The Permittees shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other private lands affected by construction of the transmission line. As necessary, areas will be reseeded with native species approved by appropriate state, federal, tribal and local resource agencies and that is certified to be free of noxious weeds. A vegetative buffer comprised of existing low-growing shrubs and woody vegetation will be preserved along riparian corridors to maintain wildlife habitat and minimize potential unauthorized crossings of these areas from off-highway vehicles. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittees shall advise the Commission in writing of the completion of such activities. The Permittees shall compensate landowners for any yard/landscape, crop, soil compaction, drain tile, or other damages that may occur during construction.

#### **4.2.12 Notice of Permit**

The Permittees shall inform all employees, contractors, and other persons involved in the transmission line construction of the terms and conditions of this permit.

### **4.3 Periodic Status Reports**

At the request of the Commission, the Permittees shall report to the Commission on progress regarding finalization of the route and design of structures. Permittees shall report to the Commission on construction of the Project in a manner outlined in the Construction Environmental Control Plan at Condition 5.2.

### **4.4 Complaint Procedure**

Prior to the start of construction, the Permittees shall submit to the Commission, the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements set forth in the complaint procedures attached to this permit.

### **4.5 Notification to Landowners**

The Permittees shall provide all affected landowners with a copy of this permit and the complaints procedures at the time of the first contact with the landowners after issuance of this permit. At the time of first contact, the Permittees shall also provide all affected landowners with a copy of the *Landowner Guide to Easements* publication provided by Commission.

The Permittees shall contact landowners prior to entering the property or conducting maintenance along the route and avoid maintenance practices, particularly the use of fertilizer, herbicides, or pesticides, that are inconsistent with the landowner's or tenant's use of the land.

The Permittees shall work with landowners to locate the high voltage transmission lines to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads.

### **4.6 Completion of Construction**

#### **4.6.1 Notification to Commission**

At least three days before the line is to be placed into service, the Permittees shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.

#### **4.6.2 As-Built.**

Within 60 days after completion of construction, the Permittees shall submit copies of all the final as-built plans and specifications developed during the project.

### **4.6.3 GPS Data**

Within 60 days after completion of construction, the Permittees shall submit to the Commission, in the format requested by the Commission, geo-spatial information (GIS compatible maps, GPS coordinates, etc.) for all above ground structures associated with the transmission lines, each switch, and each substation connected.

## **4.7 Electrical Performance Standards**

### **4.7.1 Grounding**

The Permittees shall design, construct, and operate the transmission line in a manner that the maximum induced steady-state short-circuit current shall be limited to five milliamperes, root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit induced short circuit current between ground and the object so as not to exceed one milliamperere rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code.

### **4.7.2 Electric Field**

The transmission line shall be designed, constructed, and operated in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

### **4.7.3 Interference with Communication Devices**

If interference with radio or television, satellite or other communication devices is caused by the presence or operation of the transmission line, the Permittees shall take whatever action is prudently feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the line.

## **4.8 Other Requirements**

### **4.8.1 Applicable Codes**

The Permittees shall comply with applicable requirements of the National Electric Safety Code including clearances to ground, clearance to crossing utilities, clearance to buildings, right-of-way widths, erecting power poles, and stringing of transmission line conductors. The transmission line facility will also meet the North American Electric Reliability Corporation's (NERC) reliability standards.

#### **4.8.2 Other Permits**

The Permittees shall comply with all applicable federal, tribal, and state rules and statutes. The Permittees shall obtain all required local, state, tribal, and federal permits and permissions for the project and comply with the conditions of these permits and permissions. A list of the required permits is included in the Environmental Impact Statement. The Permittees shall submit a copy of such permits to the Commission upon request.

#### **4.8.3 Pre-emption**

Pursuant to Minnesota Statutes 216E.10, subdivisions 1 and 2, this route permit shall be the sole route approval required to be obtained by the Permittees from the State and its political subdivisions and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

#### **4.8.4 Delay in Construction**

If the Permittees have not commenced construction or improvement of the route within four years after the date of issuance of this permit, the Commission shall consider suspension of the permit in accordance with Minnesota Rule 7850.4700.

### **5 SPECIAL CONDITIONS**

Permittees shall provide a report to the Commission as part of the Plan and Profile submission that describes the actions taken and mitigative measures developed regarding the following Special Conditions.

#### **5.1 Construction Environmental Control Plan**

Permittees shall develop a Construction Environmental Control Plan. This Plan shall include all Environmental Control Plans and permits developed for the Project, including, but not limited to Environmental Management Plan, Vegetation Management Plan, Avian Mitigation Plan, and Programmatic Agreement. The Permittees shall file the Construction Environmental Control Plan with the Commission at the time that the Plan and Profile are filed.

The Construction Environmental Control Plan shall also include a process for reporting construction process and plans to the Commission and appropriate state, federal, and tribal resource agencies.

The Permittees shall provide dedicated environmental inspectors and monitors to oversee the construction process and to monitor compliance with 1) the Environmental Management Plan, 2) Vegetation Management Plan, 3) Programmatic Agreement for Cultural Resources, 4) Avian Protection Plan, and 5) the requirements of this and all other environmental permits.

## 5.2 Environmental Management Plan

Permittees shall develop an Environmental Management Plan prior to construction and submit the Plan to the Commission. The purpose of the Environmental Management Plan is to minimize soil erosion and impacts to agricultural lands.

The Environmental Management Plan shall:

- Identify erosion control measures to be implemented during Project construction and restoration. The plan shall include, at a minimum, grading plans, plans for construction and drainage of the right-of-way and any access roads, soil information, and detailed design features to maintain downstream water quality. This Environmental Management Plan shall include the SWPPP submitted to the Minnesota Pollution Control Agency (MPCA) as part of the NPDES permit application. Erosion and sedimentation control measures shall be installed prior to construction and maintained until restoration is completed.
- Identify methods for disposal or storage of excavated material.
- Identify mitigation measures that avoid, mitigate, or compensate for negative agricultural impacts that may result from transmission line construction.

## 5.3 Vegetation Management Plan

The Permittees shall develop a Vegetation Management Plan prior to right-of-way clearing and submit it to the Commission at least 30 calendar days before right-of-way preparation. The purpose of the Vegetation Management Plan is to minimize tree clearing, prevent the introduction of noxious weeds and invasive species, and revegetate disturbed non-cropland areas with appropriate native species in cooperation with landowners and appropriate state, federal, tribal and local resource agencies.

The Vegetation Management Plan shall:

- Identify measures taken to minimize tree removal and minimize ground disturbance.
- Identify a comprehensive revegetation plan for non-cropland areas.
- Identify areas, such as trail crossings, where vegetative screening would minimize aesthetic impacts to the extent that such actions do not violate sound engineering principles or system reliability criteria.
- Identify vegetation control methods to be used during the operation and maintenance of the HVTL.
- Identify areas where landowners or resource agencies have specified no herbicide application.
- Identify measures to prevent the introduction of noxious weeds and invasive species on lands disturbed by construction activities.

## 5.4 Treaty Trust Resources

The Permittees shall advise the Commission when the cultural resource and environmental justice mitigation measures identified in the Record of Decision issued by the Chippewa National Forest have been fulfilled.

## **5.5 Avian Mitigation Plan**

In light of the concerns to avian species raised with this Project, the Permittees shall develop an Avian Mitigation Plan to identify potential risks to avian species from the Project and to identify strategies that will be implemented to avoid or minimize impacts to birds or their habitats. The Avian Mitigation Plan shall be filed with the Commission at the same time as the Vegetation Management Plan.

## **5.6 Alignment Alternatives**

The alignment alternative identified below falls within the 1,000 foot requested route width and provides one or more mitigations to the impacts potentially realized should a transmission line be constructed in this area:

### **5.6.1 Carr Lake Area**

The transmission alignment would either follow the Great Lakes Pipeline or double circuit with the existing 115 kV transmission line in the area between Carr Lake and Carr Lake Road, between approximately Holland Road Southwest and Monroe Avenue Southwest.

The Permittees will work with landowners in this area to develop the most appropriate alignment to the extent that such actions do not violate sound engineering principles or system reliability criteria.

## **6 PERMIT AMENDMENT**

The permit conditions in Sections 4 and 5 may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittees. The Commission may amend the conditions after affording the Permittees and interested persons such process as is required.

## **7 TRANSFER OF PERMIT**

The Permittees may request at any time that the Commission transfer this permit to another person or entity. The Permittees shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer.

The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittees, the new Permittees, and interested persons such process as is required.

## **8 REVOCATION OR SUSPENSION OF THE PERMIT**

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minnesota Rules part 7850.5100 to revoke or suspend the permit.

## COMPLIANCE FILING PROCEDURE FOR PERMITTED ENERGY FACILITIES

### 1. **Purpose**

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

### 2. **Scope and Applicability**

This procedure encompasses all compliance filings required by permit.

### 3. **Definitions**

Compliance Filing – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.

### 4. **Responsibilities**

A) The Permittees shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the website. Permittees must register on the website to eFile documents.

B) All filings must have a cover sheet that includes:

- 1) Date
- 2) Name of submitter / Permittees
- 3) Type of Permit (Site or Route)
- 4) Project Location
- 5) Project Docket Number
- 6) Permit Section Under Which the Filing is Made
- 7) Short Description of the Filing

Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN, 55101-2198.

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**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

**PERMITTEES:** Otter Tail Power Company, Minnesota Power, Minnkota Power Cooperative, Inc, Northern States Power Company, a Minnesota corporation, and Great River Energy.  
**PERMIT TYPE:** HVTL Route Permit  
**PROJECT LOCATION:** Beltrami, Hubbard, Cass, and Itasca counties  
**PUC DOCKET NUMBER:** E017, E015, ET-6/TL-07-1327

<b>Filing Number</b>	<b>Permit Section</b>	<b>Description</b>	<b>Due Date</b>
<b>1</b>	Section 4.2.1	Contact information for field representative	10 days prior to commencing construction
<b>2</b>	Section 4.4	Complaint Procedure	Prior to start of construction.
<b>3</b>	Section 4.1.	Plan and profile	30 days before construction
<b>4</b>	Section 4.6.1	Notice of completion and date of placement in service	Three days prior to energizing
<b>5</b>	Sections 4.6.2 and 4.6.3	Provide As-built and GPS information	Within 60 days of construction
<b>6</b>	Section 5.1	Construction Environmental Control Plan	At least 30 days before construction
<b>7</b>	Section 5.2	Environmental Management Plan, may be submitted as part of Construction Environmental Control Plan	At least 30 days before construction
<b>8</b>	Section 5.3	Vegetation Management Plan	At least 30 days before ROW preparation
<b>9</b>	Section 5.4	Provide documentation that the mitigation measures identified in the Chippewa National Forest Record of Decision have been fulfilled	Within 60 days of fulfillment of mitigation measures.

<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittees and the PUC. However, it is not a substitute for the permit; the language of the permit controls.

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<b>10</b>	Section 5.5	Avian Mitigation Plan	At least 30 days before ROW preparation
<b>11</b>	Section 5.6	Alignment Alternatives	Submit with Plan and Profile, at least 30 days before construction

## COMPLAINT HANDLING PROCEDURES FOR HIGH VOLTAGE TRANSMISSION LINES

**A. Purpose:**

To establish a uniform and timely method of reporting complaints received by the Permittees concerning Permit conditions for site preparation, construction, cleanup and restoration, operation and resolution of such complaints.

**B. Scope:**

This document describes Complaint reporting procedures and frequency.

**C. Applicability:**

The procedures shall be used for all complaints received by the Permittees and all complaints received by the Commission under Minn. Rule 7829.1500 or 7829.1700 relevant to this Permit.

**D. Definitions:**

Complaint: A verbal or written statement presented to the Permittees by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other HVTL and associated facilities route permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Route Permit condition that, if substantiated, could result in Permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A Complaint which, despite the good faith efforts of the Permittees and a person(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

**E. Complaint Documentation and Processing:**

1. The Permittees shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:

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- a. Name of complainant, address, phone number, and e-mail address.
  - b. Precise property description or parcel number.
  - c. Name of Permittees representative receiving Complaint and date of receipt.
  - d. Nature of Complaint and the applicable Route Permit conditions(s).
  - e. Activities undertaken to resolve the Complaint.
  - f. Final disposition of the Complaint.
2. The Permittees shall designate an individual to summarize Complaints for substantial to the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.
  3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:
    - a. Name, address, phone number, and e-mail address.
    - b. Date
    - c. Tract or parcel
    - d. Whether the complaint relates to (1) a Route Permit matter, (2) a HVTL and associated facility issue, or (3) a compliance issue.

### **F. Reporting Requirements:**

The Permittees shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to HVTL Permit Compliance, 1-800-657-3794, or by e-mail to: [DOC.energypermitcompliance@state.mn.us](mailto:DOC.energypermitcompliance@state.mn.us), or. Voice messages are acceptable.

**Monthly Reports:** By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the Permittees shall submit (eFile) a summary indicating that no complaints were received.

### **G. Complaints Received by the Commission or OES:**

Complaints received directly by the Commission from aggrieved persons

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regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittees.

**H. Commission Process for Unresolved Complaints:**

**Initial Screening:** Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial HVTL Route Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittees and appropriate person(s) if it determines that the Complaint is a Substantial Complaint. With respect to such Complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the Staff notification. Staff shall present Briefing Papers to the Commission, which shall resolve the Complaint within twenty days of submission of the Briefing Papers.

**I. Permittees Contacts for Complaints:**

**Mailing Address:** Complaints filed by mail shall be sent to:

**ATTN:** Mr. Al Koeckeritz  
Project Manager, Bemidji – Grand Rapids 230 kV Transmission Project  
Otter Tail Power Company  
215 Cascade St. S  
PO Box 496  
Fergus Falls, MN 56538

**Tel:** 218-739-8416,

**Email:** [akoeckeritz@otpc.com](mailto:akoeckeritz@otpc.com)